



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Planning Commission

Promoting the wise use of land

MEETING DATE January 28, 2016 EFFECTIVE DATE February 13, 2016	CONTACT/PHONE James Caruso (805) 781-5702 jcaruso@co.slo.ca.us	APPLICANT Tina Bennett & Verizon Wireless	FILE NO. DRC2014-00121				
SUBJECT Request by Tina Bennett/Verizon Wireless for a Conditional Use Permit to allow the construction and operation of an unmanned wireless communications facility consisting of twelve 6' high panel antennas and four raycaps installed at a height of 32' on a new 40' high artificial pine tree (monopine), and installation of one electrical meter, one prefabricated equipment shelter (11'-6" x 16'-10.5"), one standby diesel generator on a 6' by 12' concrete pad, and two GPS antennas in a 35' by 22' lease area with an 8' tall perimeter fence. The project is located on the south side of Manuela Way, approximately 1,400 feet east of Branch Mill Road, approximately 2.5 miles northeast of the City of Arroyo Grande, in the South County planning area (San Luis Bay Inland Sub Area South).							
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration (ED15-059) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2014-00121 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.							
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on December 4, 2015 for this project. Mitigation measures are proposed to address Aesthetics and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).							
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 047-061-050	SUPERVISOR DISTRICT(S) 4				
PLANNING AREA STANDARDS: South County Planning Area, San Luis Bay (South) Sub Area Does the project meet applicable Planning Area Standards: None applicable							
LAND USE ORDINANCE STANDARDS: Section 22.30.180 - Communications Facilities Does the project conform to the Land Use Ordinance Standards: Yes - see discussion							
EXISTING USES: Single family residence; corrals, agricultural structure							
SURROUNDING LAND USE CATEGORIES AND USES: <table style="width: 100%;"><tr><td style="width: 50%;">North: Residential Rural; single family residence</td><td style="width: 50%;">East: Residential Rural; single family residence</td></tr><tr><td>South: Residential Rural; single family residence</td><td>West: Residential Rural; single family residence</td></tr></table>				North: Residential Rural; single family residence	East: Residential Rural; single family residence	South: Residential Rural; single family residence	West: Residential Rural; single family residence
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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Cal Fire, South County Advisory Council							
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:</small> COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242							

TOPOGRAPHY: Moderately sloping	VEGETATION: Scattered oaks; grassland
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: Cal Fire	ACCEPTANCE DATE: September 1, 2015
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on February 13, 2016, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.	

SUMMARY

Telecommunications Act

The County's local authority to regulate wireless communications facilities, such as the proposed project, is limited by the federal Telecommunication Act (TCA). While affirming local government authority to regulate the placement and construction of wireless facilities, the TCA also places some important limitations on this authority. One well-known example of these limitations is the preemption of local regulation on the basis of concerns over RF emissions. In addition to this limitation, the TCA also:

- Requires local governments to act on applications for new wireless facilities within a "reasonable amount of time;"
- Requires that any permit denial be in writing and based on substantial evidence in the record;
- Prohibits unreasonable discrimination against competing wireless carriers; and
- Bars local regulations that would prohibit or have the effect of prohibiting the provision of personal wireless service¹.

Project Site

The project site is 8.81 acres and is located in the Rural Residential land use category. The site is near the top of a ridge that overlooks Lopez Creek and the agricultural lands along the creek and Lopez Drive. The site is approximately 3500 feet east of Lopez Drive. There are four residences within 1000 feet of the site with the closest located approximately 600 feet to the north.



The site is at the edge of an oak woodland in an area

¹ The federal courts use a two pronged test to determine when a local jurisdiction's denial of a single project constitutes an "effective prohibition" of service. Under this test, the carrier must show that: A) the proposed project would close a significant gap in service; and B) the manner in which it proposes to fill the significant gap in service is the least intrusive on the values that the denial sought to serve.

where horses are grazed and corralled. The new monopine is approximately 93 feet from the northerly property line and 173 feet from the easterly property line. The proposed equipment shelter is located adjacent to an outbuilding and is approximately 107 feet from the nearest property line.

Proposed Project

The proposed unmanned wireless communications facility would be located in the northeast corner of the property, north of the existing single-family residence. The proposed facility, which resembles an artificial pine tree (monopine), has been designed to blend (rather than contrast) with the existing visual context. There are existing pine trees on the project site as well as on adjacent properties.

The proposed facility would consist of the following components:

- Installation of twelve 6' high panel antennas and four raycaps installed at a height of 32' on a new 40' high artificial pine tree (monopine). The proposed antennas, raycaps, and all associated mounting equipment, hardware, and wires shall be painted to match the monopine and shall be completely concealed from view within the monopine foliage. The proposed panel antennas shall be concealed within faux foliage antenna "socks" of the highest available foliage density; and
- Installation of one electrical meter, one prefabricated equipment shelter (11'-6" x 16'-10.5"), one standby diesel generator on a 6' by 12' concrete pad, and two GPS antennas in a 35' by 22' lease area with an 8' tall perimeter fence.

As described above, the project's visual impacts are largely mitigated through its design as a monopine that blends with the landscaping of the surrounding visual setting. The closest public view point is on Lopez Drive approximately 3500 feet due west of the site. In order to evaluate the effectiveness of this design, the applicant submitted photo-simulations of the proposed facility from key viewing points. As determined through the photo-simulations (see attachment 4), the proposed monopine is compatible with the surrounding visual features as viewed from public areas along Lopez Drive. The proposed project would not appear out of character with the surrounding landscape and would not degrade the natural landscape as seen by travelers along public roads.

Noise Impacts

Noise exposure from the proposed HVAC unit is expected to be approximately 67 dB at a distance of 10 feet from the equipment. The cellular facility maintains a separation of approximately 600 feet from the nearest sensitive receptor (nearest residence). Project-equipment noise exposure at the closest receivers predicted HVAC noise levels of 33-43 dB at the nearest sensitive receiver locations. This satisfies the 45 dB nighttime noise standard set forth in Section 22.10.120(B).

The emergency generator shall have a noise baffle cover and shall not exceed a maximum noise level of 65 dbl at a distance of 50 feet from the generator. The proposed emergency generator is approximately 90 feet from the nearest property line. The generator would only operate in the event of a power outage and, as conditioned, routine maintenance and testing of the generator shall be restricted to a maximum of 15 minute per week between the hours of 10 am and 1 pm on Monday, Wednesday, or Friday.

Project-related equipment noise exposure is expected to satisfy the applicable noise exposure limits set forth in Title 22.

Alternatives Analysis

In addition to the Bennett site, Verizon considered sites on Excel Way located south of the proposed project site. Verizon reported they were unable to arrange a lease of any sites on Excel Way.

LAND USE ORDINANCE STANDARDS

Section 22.30.180 – Communications Facilities

This section describes permitting requirements as well as siting and design standards for proposed wireless communications facilities. The requirements of this Section apply to communications transmission and receiving facilities in addition to all applicable permit requirements and standards of the Federal Communications Commission (FCC) and any other applicable Federal or State statutes or regulations.

Radio Frequency Analysis

Section 22.30.180(B) requires applications for communications facilities to include estimates of non-ionizing radiation generated and/or received by the facility. These shall include estimates of the maximum electric and magnetic field strengths at the edge of the facility site and the extent that measurable fields extend in all directions from the facility.

Staff Response: The applicant supplied a report to evaluate the proposed communications facility for compliance with appropriate guidelines limiting human exposure to radio frequency (RF) electromagnetic fields. According to the RF report for this project (Hammett & Edison; March 20, 2015), the maximum level of RF emissions from the proposed facility would be equivalent to 17% of the applicable public exposure limit. The maximum calculated level at the second-floor elevation of any nearby building (located at least 500 feet away) is 4.7% of the public exposure limit.

Permit requirements

Section 22.30.180(A) requires Conditional Use Permit approval for any new communications facility or modification of any existing facility that would increase the power output or the power received, or the structure heights above those specified in Section 22.10.090.

Staff Response: Based on this standard, the proposed project requires CUP approval, as it includes the construction of a new 40' tall antenna support structure.

Co-location

Section 22.30.180(C)(2)(b) requires that when co-location is not proposed, the applicant shall provide information pertaining to the feasibility of joint-use antenna facilities, and discuss the reasons why such joint use is not a viable option or alternative to a new facility site.

Staff Response: The purpose of this requirement is to minimize visual impacts by concentrating telecommunications equipment in the fewest possible number of locations, rather than scattering facilities across the county. It is usually in a carrier's interest to comply with this requirement since "collocation" sites are strategically located to provide superior coverage, already have the necessary infrastructure in place (access, power, and telco), and are approved through the more expedient and less expensive minor use permit (rather than conditional use permit) process.

Verizon considered alternative locations south of the proposed project site. However, these sites did not meet Verizon's feasibility criteria.

Development standards

According to Section 22.30.180(C)(3), the preferred placement for new wireless communication facilities is on existing structures, completely hidden from public view or painted and blended to match existing structures. In addition, all facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to resemble rural, pastoral architecture (e.g. windmills, barns, trees) or other features determined to blend with the surrounding area and be finished in a texture and color deemed unobtrusive to the neighborhood in which it is located.

Staff Response: The proposed project meets the visual screening requirements of this section because it is a stealth design that blends and is consistent with the character of the surrounding area. As conditioned, the monopine will be designed and constructed to appear as an organic, non-symmetrical form, with varying branch lengths and shapes and “needle” clusters installed in random, seemingly natural-occurring patterns. The branch lengths will taper up the monopine “trunk” and the longest (lowest) branches will begin at a sufficient elevation to blend with the existing tree line as viewed from all surrounding public roads.

The site is approximately 3,500 feet east of viewing areas along Lopez Drive. The photo simulations prepared for the project demonstrate that the project is minimally visible on the ridgeline. The casual observer would see the project from these viewpoints only with difficulty or not at all.

Unused facilities

Section 22.30.180(C)(4) requires all obsolete or unused facilities to be removed within 12 months of cessation of communication operations at the site.

Staff Response: The project is consistent with this standard because the applicant is required to enter into a performance agreement and financial instrument for site restoration.

AGENCY REVIEW

Public Works:	“No comment”
Environmental Health:	“Applicant shall submit, to the Environmental Health office, the hazardous materials business plan for the proposed cell site. The plans shall be reviewed and approved prior to final sign off.”
Cal Fire:	Established several requirements as conditions for final approval. The applicant shall comply with all applicable fire and building codes. The existing access numbering must meet current Fire Code standards. A minimum of 100-feet of defensible space shall be required. A single fire extinguisher shall be required.

LEGAL LOT STATUS

The one existing parcel was legally created by a recorded map (Lot C of PM 17 Page 27) at a time when that was a legal method of creating parcels.

Staff report prepared by James Caruso and reviewed by Airlin Singewald.

Attachments

1. Findings
2. Conditions of Approval
3. Negative Declaration
4. Graphics